



The HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

January 1997

COMMISSION ELECTS NEW OFFICERS FOR 1997

The Hawaii State Ethics Commission has elected Bernard LaPorte as its chairperson and Leolani Abdul as its vice chairperson for 1997. The current members of the State Ethics Commission are as follows:

Bernard LaPorte, Chair
Leolani Abdul, Vice Chair
Kirk Cashmere
Bernice Pantell
Carl Sakata

COMMISSION SUBMITS 1997 LEGISLATIVE PACKAGE

The Hawaii State Ethics Commission recently submitted a package of proposed legislation to the State Legislature for consideration during the 1997 legislative session. This year, the Commission hopes to see the following changes to the State's ethics and lobbyists laws.

1. **Fines against late filers of financial interests disclosures.** The Commission is proposing a bill to impose monetary fines against state officials and employees who fail to file financial interests disclosures in a timely manner.
2. **Disposition of financial interests disclosures.** The Commission is proposing a bill that would allow the Commission to retain financial disclosure filings for six years after a filer's term of office. This will make the law more consistent with the State Ethics Code's six-year statute of limitations for ethics violations. Currently, the Commission may only retain financial disclosure filings for three years after a filer's term of office.

3. **Frivolous charges.** A person who files a frivolous charge with the Commission may be civilly liable to the person charged for costs incurred in defending against the charge. The law requires the Commission to determine whether or not a charge is frivolous in every case where no formal finding of a violation has occurred. This is an unnecessary action by the Commission in cases where respondents are not interested in pursuing civil lawsuits against their accusers. The Commission is proposing a bill that would require the Commission to determine whether or not an ethics charge is frivolous only upon the request of the person charged.

4. **Public financial interests disclosures.** The Commission is proposing a bill that would make public the financial interests disclosures of board and commission members and state employees who exercise substantial powers and duties. The bill would require public financial disclosure filings by board and commission members who are subject to Senate confirmation or who exercise adjudicatory functions. The bill also would require public filings by certain state employees whose annual compensation is \$50,000 or more.

5. **Administration of the lobbyists law.** The Commission is proposing a bill that will clarify the Commission's powers in administering the lobbyists law, chapter 97, HRS. Among other things, the bill will clarify the Commission's authority to initiate its own complaints and investigations concerning possible violations of the lobbyists law.

6. **Exemption for expert witnesses in the lobbyists law.** The lobbyists law exempts from its application expert witnesses who

make occasional appearances at the request of the Legislature, an administrative agency, or a lobbyist. The Commission is proposing a bill that will limit this exemption by allowing it to apply only when an expert witness appears at the request of the Legislature or an administrative agency. This will help prevent possible abuses and under reporting of lobbying expenditures by some lobbyists.

REMINDER: LOBBYING EXPENDITURES STATEMENTS DUE ON JANUARY 31, 1997

The next filing deadline for lobbying expenditures statements is January 31, 1997. Lobbying expenditures for the period covering May 1, 1996 through December 31, 1996, must be reported to the Commission by the filing deadline. Persons who must file statements of expenditures with the Commission are:

- (1) Lobbyists.
- (2) Persons who spend \$750 or more (excluding travel costs) in any six-month period lobbying.
- (3) Persons who employ or contract for the services of a lobbyist.

USE OF STATE RESIDENCE FOR POLITICAL FUNDRAISER

The State Ethics Commission received a charge against two state employees, one of whom was the occupant of a state residence. The charge alleged that the employees had violated HRS section 84-13 by allowing the residence to be used for a political fundraiser. Section 84-13 prohibits a state employee's use of official position to grant anyone an unwarranted benefit.

In a prior opinion, the Commission had determined that political activities could be held at the residence because although it belonged to the State, the residence had the character of a personal residence. In light of this opinion, the Commission determined that it could not find the employees had violated the ethics code. However, the Commission noted that it would be re-examining its former opinion on the use of the residence. The Commission dismissed the charges against the employees and issued them Informal Advisory Opinions. (Informal Advisory Opinion Nos. 96-7 and 96-8.)

1997 ETHICS WORKSHOPS

Have you attended one of the State Ethics Commission's ethics workshops yet? If not, consider doing so in 1997. The Commission has scheduled workshops every month on Oahu and periodically throughout the year on neighbor islands. Dates and times for upcoming workshops are as follows:

🌺 Oahu Workshops 🌺

(8:30 a.m. - 12 noon Keelikolani Bldg.)

Feb. 14	Aug. 29
Mar. 14	Sept. 26
Apr. 18	Oct. 17
May 16	Nov. 21
June 20	Dec. 19
July 18	

🌺 Neighbor Island Workshops 🌺

(9:00 a.m. - 12 noon)

Feb. 20	Hilo (75 Aupuni Street DAGS)
Mar. 18	Maui (Maui Memorial Hosp.)
Apr. 8	Kauai (3060 Eiwa Street)
May 20	Kona (Keahole Airport)
June 9	Molokai (65 Makaena Street DLIR)
June 17	Hilo (75 Aupuni Street DAGS)
July 8	Maui (Maui Memorial Hosp.)
Aug. 19	Kauai (3060 Eiwa Street)
Oct. 20	Kona (Keahole Airport)

To register for an ethics workshop, contact your department personnel office.

The High Road is a publication of the Hawaii State Ethics Commission.

Commissioners: Bernard LaPorte, Chair; Leolani Abdul, Vice Chair; Kirk Cashmere; Bernice Pantell; Carl Sakata

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